

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

OWENS & MINOR, INC. and	§	
OWENS & MINOR FLEXIBLE	§	Case No. 3:23-cv-00115
BENEFITS PLAN	§	
§		
V.	§	
§		
ANTHEM HEALTH PLANS OF	§	
VIRGINIA, INC. D/B/A ANTHEM	§	
BLUE CROSS AND BLUE SHIELD	§	

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiffs oppose Defendant's Motion to Dismiss, ECF No. 22, and Memorandum in Support, ECF no. 23 (collectively "Motion"). Plaintiffs contemporaneously file their Memorandum in Opposition to Defendant's Motion, which (i) includes Plaintiffs' objections to certain statements in Defendant's Motion; (ii) details the reasons why Defendant's Motion fails in all respects; and (iii) in the alternative to denying Defendant's Motion, requests leave to amend Plaintiffs' complaint in order to cure any defects.

For the reasons set forth in Plaintiffs' contemporaneously filed Memorandum in Opposition to Defendant's Motion, Plaintiffs respectfully request that the Court deny the Motion or, alternatively, grant leave to amend their complaint so that Plaintiffs can cure any defects.

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Dated: April 28, 2023

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on April 28th, 2023, a true and correct copy of the foregoing document has been served on all counsel of record via this Court's CM/ECF filing system.

/s/ Seth Carroll

Seth Carroll